

# OCPF REPORTS

## Massachusetts Office of Campaign and Political Finance

### OCPF Update

#### 2020 Year-End Report

Hundreds of House and Senate candidates, as well as mayoral candidates in cities with less than 65,000 residents, are filing depository year-end reports for the first time this month.

Many candidates will be surprised at how easy it is to file.

OCPF autofills most of the report, while candidates only need to provide information on in-kind contributions, liabilities and savings, if any.

[Click here](#) for a tutorial on how to file a year-end report.

#### Town Seminars

OCPF usually travels the state in early spring for town campaign finance training seminars. This year, due to COVID, we will conduct seminars online via Zoom.

Candidates can request an invitation to a Zoom seminar by emailing [OCPF@cpf.state.ma.us](mailto:OCPF@cpf.state.ma.us). The dates are [listed here](#).

## The 2021 city elections will feature 34 mayoral races

Between now and the Nov. 2 city elections, OCPF will work with mayoral candidates campaigning to appear on the ballot in 34 communities.

All mayoral candidates e-file with OCPF in the depository system, meaning they appoint a bank to file monthly reports on their behalf. Meanwhile, candidates file deposit reports shortly after making a deposit at the bank, to disclose contributions.

All candidates organized for the office of mayor are [listed here](#). When the municipal ballots are set, OCPF will create a race-by-race disclosure page for easy public viewing.

In addition to mayoral races in 2021, thousands of local candidates are running for other offices. For instance, approximately 600 councilors are elected in 59 communities in Massachusetts, and all file campaign finance reports — either locally or with OCPF.

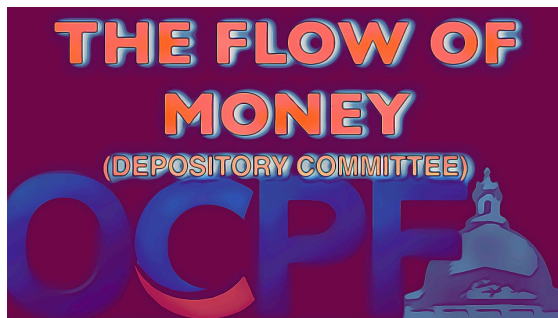
[Click here](#) for a list of city councilors who are organized with OCPF, in cities with populations of 65,000 or more.

### 2021 Mayoral Elections

Agawam, Amesbury, Attleboro, Beverly, Boston, Brockton, Chicopee, Easthampton, Everett, Fall River, Fitchburg, Framingham, Gardner, Gloucester, Haverhill, Holyoke, Lawrence, Leominster, Lynn, Marlborough, Medford, Methuen, Newburyport, Newton, North Adams, Northampton, Peabody, Salem, Somerville, Taunton, Westfield, West Springfield, Woburn and Worcester. Cambridge and Lowell mayors are elected from the city councilors.

*Source: Massachusetts Municipal Association*

## New Educational Videos



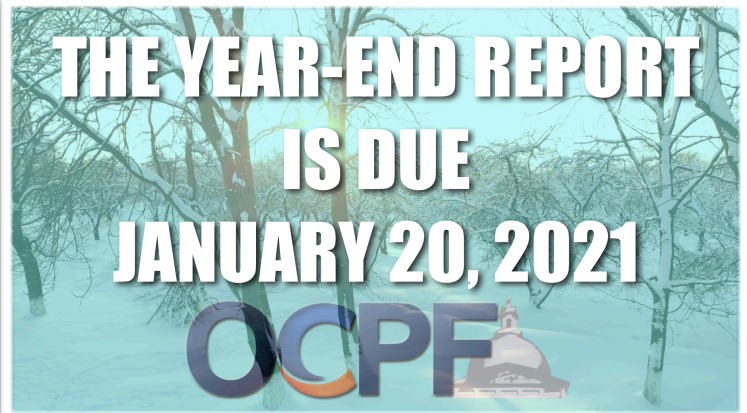
In the depository system, expenditures must be made using committee checks and debit cards. [Click here for the video.](#)



If a campaign receives money in late December, but deposits it in early January, they are reported as “receipts in transit” on the year-end report. [Video here.](#)



Candidates for town office, such as selectman and school committee, are preparing for spring elections. [This video](#) provides guidance on how to get started.



### CANDIDATES\* WHO FILE WITH OCPF (AND TRADITIONAL PACs)

Generally, the depository year-end report is a summary of 2020 activity and should not take much time to e-file.

OCPF autofills most of the report. Committees only need to enter in-kind contributions received in 2020, as well as liabilities and savings account information.

If a committee received money in late December, but did not deposit the funds until early January, please report that total as “receipts in transit.” [Click here](#) for a short tutorial.

*\*Except Barnstable Assembly of Delegates*

### CANDIDATES WHO FILE WITH LOCAL ELECTION OFFICIALS

Candidates who file campaign finance reports locally, such as selectmen and school committee members, are required to file year-end reports — even if they did not appear on a ballot in 2020.

Every office-holder files the year-end report (some of these candidates will only need to fill in “zeros” and sign the form).

Additionally, every non-incumbent with a bank or liability balance, or any activity, must file the year-end report.

The year-end campaign finance form [is here.](#)

# Recent Cases and Rulings

*OCPF audits all campaign finance reports and reviews all complaints alleging violations of the campaign finance law. These audits and reviews may result in enforcement actions or rulings (below). The identity of any complainant is kept confidential. Public resolution letters and disposition agreements are matters of public record once cases are concluded.*

## **Public Resolution Letters**

*A public resolution letter may be issued in instances where the office found “no reason to believe” a violation occurred; where “no further action” or investigation is warranted; or where a subject “did not comply” with the law but, in OCPF’s view, the case is able to be settled in an informal fashion with an educational letter or a requirement that some corrective action be taken. A public resolution letter does not necessarily imply a wrongdoing on the part of a subject and does not require agreement by a subject.*

CPF-20-108: Kip Diggs, Osterville. Did not comply (public employee); 11/13/2020. Diggs, a 2020 candidate for state representative and a construction inspector for the town of Barnstable, personally solicited funds on Facebook by sharing his campaign committee’s post asking for funds. Public employees are prohibited from soliciting funds for any political purpose.

CPF-20-115: George Darcy, Waltham. Did not comply (disclosure); 11/17/2020. Darcy, a 2020 candidate for state representative, made expenditures outside of his campaign’s depository bank account (\$8,091). The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner.

CPF-20-92: Colleen Brierley, Norwood. Did not comply (disclosure); 11/17/2020. Brierley, a 2020 candidate for register of probate, made expenditures outside of her campaign’s depository bank account (\$10,541). The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner.

CPF-20-101: Domenic Mercurio, Sturbridge. Did not comply (organization and disclosure); 11/23/2020. Mercurio, a write-in candidate for state representative who used his personal money to fund his campaign, did not organize or initially disclose campaign finance activity with OCPF. Mercurio spent approximately \$10,400. Even candidates who “self-fund” their campaign must designate a depository bank and disclose their activity.

CPF-20-109: Andrew Bissanti, Franklin. No further action (organization and disclosure); 11/23/2020. Bissanti, a write-in candidate for state representative who used his personal money to buy signs for \$200, did not initially organize or disclose campaign finance activity with OCPF. Once Bissanti was notified by OCPF of his obligations, he organized and opened a depository bank account.

CPF-20-116: Matthew Kelly, Franklin. No further action (disclosure); 11/27/2020. Kelly, a candidate for state senator, hired an ice cream truck to promote his candidacy. The ice cream truck owner did not invoice the committee until all the events were complete, creating the appearance that the committee may have received an unreported in-kind contribution. For future reference, the committee should obtain invoices at the time goods or services are received, and make payments promptly.

Recent cases continued on the next page

# ***Continued: Recent Cases and Rulings***

CPF-20-123: Stephen Michael Palmer, Plymouth. Did not comply (disclosure); 11/30/2020. Palmer, a candidate for state representative, made expenditures outside of his campaign's depository bank account (\$3,296). The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner.

CPF-20-124: Stephen Gill, North Scituate. Did not comply (disclosure); 11/30/2020. Gill, a candidate for state representative, made expenditures outside of his campaign's depository bank account (\$1,712). The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner.

CPF-20-91: Alexander Mendez, Quincy. Did not comply (disclosure); 11/30/2020. Mendez, a candidate for state senator, made expenditures outside of his campaign's depository bank account (\$5,475). The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner.

CPF-20-119: MA Clean Water Action Vote Environment PAC, Boston. Did not comply (disclosure); 12/8/2020. The PAC does not have a Facebook account, so it used the account owned by Clean Water Action, a related entity, to support legislative candidates in the 2020 election. The PAC then reimbursed Clean Water Action in November. The campaign finance law specifies that all campaign finance activity must take place through a designated depository account and be disclosed in a timely manner. The PAC has agreed that in the future it will obtain its own Facebook account and conduct all financial activity through its depository bank account.

CPF-20-105: Roy Avellaneda, Chelsea. Did not comply (disclosure, excess in-kind contribution); 12/9/2020. Avellaneda's committee for city councilor did not accurately disclose its financial activity on the 2019 year-end campaign finance report. The committee paid for a mailing to 2,000 Chelsea residents, which promoted Avellaneda and three other candidates. The Avellaneda committee did not correctly disclose the expenditure made to pay for the mailing that supported the candidates. In addition, in-kind contributions to candidates are limited to \$100 per calendar year. The cost of the mailing exceeded the \$100 limit for one of the three candidates endorsed in the mailing.

CPF-20-128: Massachusetts Republican State Committee. Did not comply (governmental buildings); 1/5/2021. The party solicited donations for the committee by e-mail, some of which went to state employees at their places of work. The campaign finance law prohibits soliciting contributions in buildings used for governmental purposes.

## **Advisory Opinions**

AO-21-01: OCPF advised that a legal defense fund may not be used to raise money in connection with unspecified ballot access legal challenges that may be faced by federal and state candidates, or for expected legal issues that may arise in connection with redistricting. Legal defense funds may be used to raise money for actually existing legal matters, not for possible matters that may or may not exist in the future.

**OCPF's legal team is available by e-mail at [OCPF@cpf.state.ma.us](mailto:OCPF@cpf.state.ma.us). General Counsel: Greg Birne**



# 2020 OCPF YEAR IN REVIEW

Number of campaign finance reports e-filed:	35,700
Total candidate/committee receipts disclosed:	\$90.8 million*
Total candidate/committee expenditures disclosed:	\$95.7 million*
New <u>PACs organized</u> in 2020:	13
New <u>candidates organized</u> in 2020:	190
Legal - Number of <u>public resolution letters</u> :	34
Legal - Disposition agreements:	2
Legal - Payment total to the state as part of disposition agreements:	\$325,000
Distinct users at <u>www.ocpf.us</u> :	65,103
Page visits to <u>www.ocpf.us</u> :	753,190
YouTube video views:	12,000
New YouTube videos:	45
Twitter posts:	479
Twitter views:	340,400

*\*Approximate total, due to accounting adjustments and account transfers.*



# 2021

- > Jan. 20: Year-end report due.
- > New candidates running for **municipal office** should organize before raising or spending money.
- > Candidates in **town elections** this spring should watch this educational tutorial. Reports are due eight days before, and 30 days after, the election.
- > Late summer/early fall: In **city elections**, candidates file pre-preliminary reports if their names appear on the preliminary ballot, except ...
- > **Mayoral candidates**, as well as **city council candidates** in cities with more than 65,000 in population, do not file pre-preliminary reports because they are in the depository system.
- > **Statewide Candidates**: The election is not until 2022, but the public financing program starts in January, 2021 — contributions raised in 2021 may qualify for matching funds in 2022.
- > **House and Senate**: Continue to file deposit reports after making a deposit, and review monthly bank reports to clarify expenditures, where needed.





**IF YOU'RE RUNNING FOR DEPOSITORY CITY OFFICE\* IN 2021, THESE OCPF VIDEOS WILL PROVIDE YOU WITH NEARLY ALL THE INFORMATION YOU NEED TO COMPLY WITH THE LAW**

1. WHAT IS THE DEPOSITORY SYSTEM?
2. HOW TO FILE A DEPOSIT REPORT.
3. HOW TO CLARIFY AN EXPENDITURE.
4. SPENDING IN THE DEPOSITORY SYSTEM: THE FLOW OF MONEY.
5. HOW TO REPORT A "BOUNCED" CONTRIBUTION CHECK.
6. HOW TO REPORT CREDIT/DEBIT CARD CONTRIBUTIONS.

**Summary of reporting requirements:**

- File a deposit report with OCPF shortly after making a deposit (best practice: within three days).
- Make expenditures using committee checks or debit cards.
- Banks will file monthly disclosure reports. Early each month, clarify the purpose of expenditures, where needed.

\*All mayoral candidates, and city council candidates in cities with populations of 65,000 or more.

## Municipal candidates\* who appear on a ballot in 2021 must file campaign finance reports, even if they use their personal funds, or spend no money.

**In towns**, reports are due eight days before the election and 30 days afterward. The pre-election report covers activity from Jan. 1, 2021, until 18 days before the election. The post-election report covers activity from 17 days before the election until 20 days afterward (due 30 days after the election). A year-end report is due in January, 2022.

**In cities**, reports are due eight days before the election and in January, 2022 (for candidates\* who file locally). A pre-preliminary report is due eight days before a preliminary election, but only if a candidate's name appears on a preliminary ballot. The reporting period for the 2021 election starts Jan. 1 and ends 18 days before the preliminary or general election, whichever is first. There are no post-election reports.

Please [CLICK HERE](#) for the M102 campaign finance report. This form can be used, even if no money was raised or spent.

Organization: Candidates\* organize a campaign committee by filing a [M101 form](#) with the local election official. If a candidate does not have a committee, he or she is encouraged to file the M101 form with "candidate only" written at the top, and "N/A" as treasurer.

*\*All municipal candidates file locally. Exception: mayoral candidates, and city council candidates in cities with populations of 65,000 or more, file with OCPF in the [depository system](#).*

## OCPF REMINDER

IN THE DEPOSITORY SYSTEM OF CAMPAIGN FINANCE DISCLOSURE,  
EXPENDITURES ARE MADE USING COMMITTEE CHECKS OR DEBIT CARDS.  
CANDIDATES SHOULD NOT MAKE EXPENDITURES USING THEIR PERSONAL BANK ACCOUNTS.





# SMALL BUT IMPORTANT REPORTER 7 CHANGE ***FEES TAB***

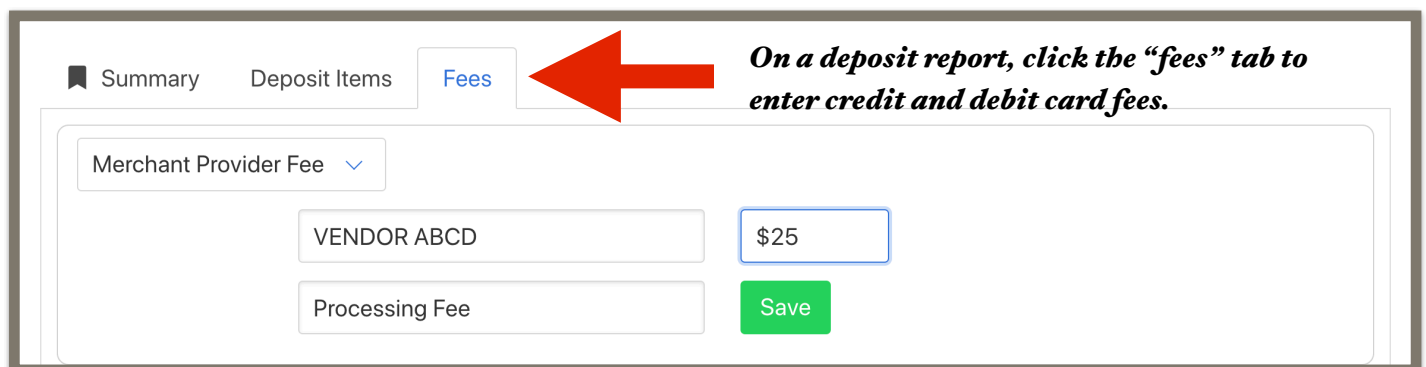
When depository candidates and committees receive contributions by credit and debit card, fees are typically charged by vendors, such as ActBlue, WinRed and PayPal.

OCPF has changed the way those fees are reported in deposit reports. There is now a tab (see below), where fees are entered.

If a campaign has several fees in the same deposit report, the total can be reported as a lump sum.

[Click here](#) for a short demonstration video.

## Reporter 7 deposit report: Fees tab



Summary Deposit Items **Fees**

On a deposit report, click the “fees” tab to enter credit and debit card fees.

Merchant Provider Fee ▾

VENDOR ABCD \$25

Processing Fee Save